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2 RITA E. TAUTKUS (SBN 162090)  
3 MORGAN, LEWIS & BOCKIUS LLP  
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6 Attorneys for Plaintiff  
UNIVERSITY OF PITTSBURGH  
7

8  
9  
10 UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

11 UNIVERSITY OF PITTSBURGH OF THE  
12 COMMONWEALTH SYSTEM OF HIGHER  
EDUCATION d/b/a UNIVERSITY OF  
13 PITTSBURGH

14 Plaintiff,

15 v.

16 VARIAN MEDICAL SYSTEMS, INC.

17 Defendant.

18 Case No. CV 08-02973 MMC  
19  
20

**PLAINTIFF'S SUBMISSION OF  
EXHIBITS 3-9 TO THE PREVIOUSLY-  
FILED DECLARATION OF RITA E.  
TAUTKUS IN SUPPORT OF  
UNIVERSITY OF PITTSBURGH'S  
OPPOSITION TO MOTION TO  
TRANSFER BY VARIAN MEDICAL  
SYSTEMS, INC., PER THE COURT'S  
ORDER OF AUGUST 19, 2008 (DOC.  
NO. 63)**

Date: September 5, 2008  
Time: 9:00 a.m.  
Courtroom 7, 19th Floor

1 Pursuant to the Court's Order Granting in Part and Denying in Part Plaintiff's Administrative  
2 Motion to File Exhibits Under Seal, dated August 19, 2008 (Document No. 63), University of  
3 Pittsburgh ("UPitt") hereby submits for the public record Exhibits 3-9 that were previously attached  
4 as exhibits to the Declaration of Rita E. Tautkus in Support of University of Pittsburgh's Opposition  
5 to Motion to Transfer by Varian Medical Systems, Inc., filed on July 11, 2008 (Document No. 34).

6 I, Rita E. Tautkus, declare and state as follows:

7 1. I am Of Counsel with the law firm of Morgan, Lewis & Bockius LLP, attorneys of  
record for Plaintiff University of Pittsburgh ("UPitt"). I am licensed to practice law before the  
9 Courts for the State of California. I have direct and personal knowledge of the facts set forth in my  
10 Declaration and, if called and sworn as a witness, I would competently testify to these facts.

11 2. Attached hereto as Exhibit 3 is a true and correct copy of excerpts from the transcript  
of the deposition of Sam David Castellino, which was taken on October 16, 2007 in the Western  
13 District of Pennsylvania action, Case No. 07-0491.

14 3. Attached hereto as Exhibit 4 is a true and correct copy of excerpts from the transcript  
of the deposition of Michael Sing Chen, which was taken on October 16, 2007 in the Western  
16 District of Pennsylvania action, Case No. 07-0491.

17 4. Attached hereto as Exhibit 5 is a true and correct copy of excerpts from the transcript  
of the deposition of Martin J. Kandes, which was taken on September 28, 2007 in the Western  
19 District of Pennsylvania action, Case No. 07-0491.

20 5. Attached hereto as Exhibit 6 is a true and correct copy of excerpts from the transcript  
of the deposition of Stanley Mansfield, which was taken on October 17, 2007 in the Western District  
22 of Pennsylvania action, Case No. 07-0491.

23 6. Attached hereto as Exhibit 7 is a true and correct copy of excerpts from the transcript  
of the deposition of Richard Morse, which was taken on October 2, 2007 in the Western District of  
25 Pennsylvania action, Case No. 07-0491.

7. Attached hereto as Exhibit 8 is a true and correct copy of excerpts from the transcript of the deposition of Hassan Mostafavi, which was taken on September 21, 2007 in the Western District of Pennsylvania action, Case No. 07-0491.

8. Attached hereto as Exhibit 9 is a true and correct copy of excerpts from the transcript of the deposition of George Zdasiuk, which was taken on October 4, 2007 in the Western District of Pennsylvania action, Case No. 07-0491.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was executed this 21st day of August, 2008, at San Francisco, California.

By: /s/ Rita E. Tautkus

Rita E. Tautkus

# **EXHIBIT 3**

Page 1

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA

--oo--

UNIVERSITY OF PITTSBURGH,

08:58:57 Plaintiff,

vs. No. 2:07-CV-00491-AJS

VARIAN MEDICAL SYSTEMS,

Defendant.

/

VIDEOTAPED DEPOSITION OF SAM DAVID CASTELLINO

THIS TRANSCRIPT HAS BEEN DESIGNATED CONFIDENTIAL

ATTORNEYS' EYES ONLY

Tuesday, October 16, 2007

REPORTED BY:

SUSAN F. MAGEE, RPR, CLR, CSR No. 11661

Page 2

1 IN THE UNITED STATES DISTRICT COURT  
2 WESTERN DISTRICT OF PENNSYLVANIA

3 --oo--  
4

5 UNIVERSITY OF PITTSBURGH,

08:58:57 6 Plaintiff,

7 vs. No. 2:07-CV-00491-AJS

8 VARIAN MEDICAL SYSTEMS,

9 Defendant.

10 /

11

12

13

14

15 Videotaped deposition of  
16 SAM DAVID CASTELLINO taken on behalf of the  
17 Plaintiff, at Morgan, Lewis & Bockius, LLP,  
18 2 Palo Alto Square 3000 El Camino Real,  
19 Suite 700, Palo Alto, CA 94306, beginning at  
20 8:58 a.m. and ending at 10:14 a.m. on  
21 Tuesday, October 16, 2007, before me,  
22 SUSAN F. MAGEE, RPR, CLR, CSR No. 11661.

23

24

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Page 6

08:58:27 1

P R O C E E D I N G S :

08:58:27 2

08:58:40 3 THE VIDEOGRAPHER: Good morning. Here  
08:58:43 4 begins the deposition of Mr. Sam Castellino in the  
08:58:47 5 matter of University of Pittsburgh vs. Varian Medical  
08:58:50 6 Systems, Inc. This case is filed in the  
08:58:52 7 United States District Court for the Western District  
08:59:01 8 of Pennsylvania, and the case number is  
08:59:04 9 2:07-CV-00491-AJS.

08:59:06 10 Today's date is October 16th, and the time  
08:59:10 11 is 8:59 a.m. The location of this deposition is at  
08:59:14 12 the Law Offices of Morgan Lewis in Palo Alto,  
08:59:16 13 California, and this deposition is being taken on  
08:59:18 14 behalf of the plaintiffs.

08:59:23 15 The videographer is Ramon Peraza appearing  
08:59:25 16 on behalf of U.S. Legal Support. The court reporter  
08:59:27 17 is Susan Magee appearing on behalf of U.S. Legal  
08:59:27 18 Support.

08:59:29 19 Counsel, please identify yourselves for the  
08:59:30 20 report and state whom you represent.

08:59:33 21 MR. PAUL: Darcy Paul of Morgan, Lewis &  
08:59:41 22 Bockius for plaintiff the University of Pittsburgh.

08:59:45 23 MR. HANSEN: John Hansen from Navigant  
08:59:46 24 Consulting.

25 MR. HEAFHEY: Michael Heafey from Orrick,

Page 9

1 SAM DAVID CASTELLINO,

2 having been duly sworn, testified as follows:

3

4 EXAMINATION BY MR. PAUL

09:02:32 5

09:02:34 6 Q. Please state for the record your full name.

09:02:37 7 A. Sam David Castellino.

09:02:40 8 Q. Mr. Castellino, what is your business

09:02:40 9 address?

09:02:48 10 A. 911 Hansen Way, Building 3.

09:02:50 11 Q. And the company that you work for is?

09:02:53 12 A. Varian Medical Systems.

09:02:55 13 Q. What's your telephone number at Varian?

09:03:00 14 A. Which phone?

09:03:03 15 Q. Any direct line that you have is sufficient.

09:03:10 16 A. It's area code (650) 424-6669.

09:03:15 17 Q. And what are your home addresses?

09:03:27 18 A. 287 Hershner Court, Los Gatos, California.

09:03:30 19 Q. And any telephone numbers at the home

09:03:30 20 address?

09:03:32 21 A. Yes.

09:03:33 22 Q. And what is that?

09:03:40 23 A. (408) 879-9341.

09:03:43 24 Q. Have you ever had your deposition taken,

25 Mr. Castellino?

# **EXHIBIT 4**

Page 1

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA

--oo--

UNIVERSITY OF PITTSBURGH,  
08:58:57 Plaintiff,  
vs. No. 2:07-CV-00491-AJS  
Varian Medical Systems,  
Defendant.

/

VIDEOTAPED DEPOSITION OF MICHAEL SING CHEN  
THIS TRANSCRIPT HAS BEEN DESIGNATED CONFIDENTIAL  
ATTORNEYS' EYES ONLY  
TUESDAY, OCTOBER 16, 2007

REPORTED BY:  
SUSAN F. MAGEE, RPR, CLR, CSR No. 11661

Page 2

1 IN THE UNITED STATES DISTRICT COURT  
2 WESTERN DISTRICT OF PENNSYLVANIA

3 --oo--  
4

5 UNIVERSITY OF PITTSBURGH,

08:58:57 6 Plaintiff,

7 vs. No. 2:07-CV-00491-AJS

8 Varian Medical Systems,

9 Defendant.

10 /

11

12

13

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15 Videotaped deposition of MICHAEL SING CHEN  
16 taken on behalf of the Plaintiff, at Morgan,  
17 Lewis & Bockius, LLP, 2 Palo Alto Square  
18 3000 El Camino Real, Suite 700, Palo Alto,  
19 CA 94306, beginning at 10:25 a.m. and  
20 ending at 4:01 p.m. on Tuesday,  
21 October 16, 2007, before me, SUSAN F. MAGEE,  
22 RPR, CLR, CSR No. 11661.

23

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Page 11

1 MICHAEL SING CHEN,

2 having been duly sworn, testified as follows:

3

4 EXAMINATION BY MR. PAUL

10:27:24 5

10:27:26 6 Q. Please state for the record your full name.

10:27:28 7 A. Michael Sing Chen.

10:27:32 8 Q. And Mr. Chen, where do you work?

10:27:34 9 A. I work at Varian Medical Systems.

10:27:38 10 Q. Okay. And what is your business address?

10:27:42 11 A. 3100 Hansen Way, Palo Alto, California.

10:27:44 12 Q. And what is your business phone number?

10:27:48 13 A. (650) 424-6161.

10:27:50 14 Q. Okay. And what is your personal address or

10:27:51 15 addresses?

10:27:57 16 A. 1436 Stanton Way, San Jose.

10:28:00 17 Q. Okay. And what is your personal phone

10:28:00 18 number?

10:28:02 19 A. Home phone?

10:28:02 20 Q. Home phone.

10:28:06 21 A. (408) 416-3611.

10:28:08 22 Q. Okay. How long have you lived at this

10:28:09 23 residence?

10:28:14 24 A. Since April of 2006.

25 Q. Okay. And have you ever had your deposition

# **EXHIBIT 5**

Page 1

IN THE UNITED STATES DISTRICT  
NORTHERN DISTRICT OF CALIFORNIA

UNIVERSITY OF PITTSBURGH, )  
                              )  
Plaintiff                 )  
                              ) Case No.  
vs.                        ) 07-CV-0791 (AJS)  
                              )  
VARIAN MEDICAL SYSTEMS, ) Western District of  
                              ) Pennsylvania  
                              )  
Defendant.                )  
\_\_\_\_\_ )

HIGHLY CONFIDENTIAL ATTORNEYS' EYES ONLY  
VIDEOTAPED DEPOSITION OF MARTIN J. KANDES

September 28, 2007

Reported by:

Rick Posner

CSR No. 5040

Page 2

1 IN THE UNITED STATES DISTRICT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3  
4 UNIVERSITY OF PITTSBURGH, )  
5 Plaintiff )  
6 vs. ) Case No.  
7 VARIAN MEDICAL SYSTEMS, ) 07-CV-0791 (AJS)  
8 Defendant. )  
9 ) Western District of  
 ) Pennsylvania  
 )  
 )

10  
11  
12 Deposition of MARTIN J. KANDES taken  
13 on behalf of the Plaintiff at  
14 3000 El Camino Real, Suite 700  
15 Palo Alto, CA beginning at 9:06 a.m.  
16 and ending at 2:13 p.m. on Friday,  
17 September 28, 2007 before Rick Posner,  
18 CSR No. 5040.

Page 6

1 MARTIN J. KANDES,

2 Having been first duly sworn, was examined and  
3 testified as follows:

4

08:39 5

6 THE VIDEOGRAPHER: Good morning, here  
7 begins the deposition of Mr. Martin Kandes in the  
8 matter of University of Pittsburgh versus Varian  
9 Medical Systems, Inc., as filed in the United States  
09:06 10 District Court for the Western District of  
11 Pennsylvania. The case number is 2:07-CV-00491-AJS.

12 Today's date is September 28th, the time  
13 is 9:05 a.m. This deposition is taking place at the  
14 law offices of Morgan, Lewis & Bockius in Palo Alto,  
09:06 15 California and is being taken on behalf of the  
16 plaintiffs. The videographer is Ramon Peraza  
17 appearing on behalf of US Legal Support. The court  
18 reporter is Rick Posner appearing on behalf of US  
19 Legal Support.

09:07 20 Will counsel please identify yourselves  
21 for the record.

22 BY MR. JOHNSON:

23 Q Daniel Johnson, Jr., for plaintiff,  
24 University of Pittsburgh, assisting me --

09:07 25 MR. GEX: Is Gary Gex.

09:12 1 what did your work entail?

2 A I worked in the radiation oncology  
3 department and I was the radiation safety officer,  
4 and I was also involved in the diagnostic radiology  
09:13 5 department, calibrating x-ray machines, linear  
6 accelerators, typical things that medical physicists  
7 do.

8 Q You left Hartford in '76, then where did  
9 you go?

09:13 10 A Came here to Palo Alto Medical Foundation  
11 across the way, now down the street.

12 Q How long were you there.

13 A Until '82.

14 Q And what did you do for Palo Alto Medical  
09:13 15 Foundation?

16 A Same thing, I was a medical physicist.

17 Q Then you went to Varian?

18 A I did, I went to Varian April 12th, 1982.

19 Q What was your first position?

09:13 20 A Product manager.

21 Q What type of product?

22 A First one, I believe, was a simulation  
23 product, we acquired a company, and I was the  
24 product manager for that.

09:13 25 Q What were the simulations relating to?

Page 163

1 U.S. Legal Support, Inc.  
180 Montgomery Street, Suite 2180  
2 San Francisco, California 94104

3

4 MARTIN J. KANDES  
c/o Varian Medical Systems  
5 3100 Hansen Way, M/S E-175  
Palo Alto, CA 94304

6

7 Re: University of Pittsburgh v. Varian Medical Systems

8 Dear MARTIN J. KANDES,

9

10 The original transcript of your deposition taken in  
the above matter is available at this office for your  
11 review. If it is more convenient, you may read counsel's  
copy.

12

13 In the event you have not read, corrected, and signed  
your deposition within thirty (30) days of receipt of this  
14 letter, it may be used with the full force and effect as  
though it had been read, corrected, and signed.

15

16 If you have any questions regarding this matter, please  
contact this office at the telephone number below.

17

18 Sincerely,

19

20 Rick Posner, CSR No. 5040

21 cc: All counsel present  
Original: Original Transcript

22

23

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# **EXHIBIT 6**

Page 1

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

---oo---

UNIVERSITY OF PITTSBURGH, )  
Plaintiff, )  
vs. ) No. 07-CV-0791 (AJS)  
VARIAN MEDICAL SYSTEMS, )  
Defendant. )  
\_\_\_\_\_

CONFIDENTIAL TESTIMONY - PURSUANT TO PROTECTIVE ORDER

VIDEOTAPED 30(b)(6) DEPOSITION OF STANLEY MANSFIELD

Palo Alto, California

Wednesday, October 17, 2007

Reported by:  
KELLI COMBS  
CSR No. 7705

Page 2

1 UNITED STATES DISTRICT COURT

2 NORTHERN DISTRICT OF CALIFORNIA

3 ---oo---

4

5 UNIVERSITY OF PITTSBURGH, )  
6 Plaintiff, )  
7 vs. ) No. 2:07-CV-0791 (AJS)  
8 VARIAN MEDICAL SYSTEMS, )  
9 Defendant. )  
10 \_\_\_\_\_)

11

12

13 Deposition of STANLEY MANSFIELD, taken on behalf of  
14 Plaintiff, at Two Palo Alto Square, 6th floor, Palo  
15 Alto, California, beginning at 9:21 a.m., and ending at  
16 6:21 p.m. on Wednesday, October 17, 2007, before Kelli  
17 Combs, CSR 7705.

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Page 21

1 opportunities, so I worked at Peterbilt Motors.

2 Q Peterbilt Motors?

3 A Uh-huh, in Newark, and also worked with  
09:33:46 4 the Federal Aviation Administration prior to getting  
5 a Bachelor's degree.

6 Q What did you do at the FAA?

7 A It was their engineering division, so they  
8 did a variety of things related to type  
09:34:01 9 certification of aircraft, including flight test and  
10 mechanical systems.

11 Q Did you ever do any flying on your own or  
12 just regulatory work?

13 A I sat in the right seat for flights.

09:34:12 14 Q That's fun. All right.

15 What after --

16 What did you do for employment after Cal  
17 Poly?

18 A After graduation, I started working at  
09:34:27 19 Varian radiation division in October 1978.

20 Q In Palo Alto?

21 A That's correct.

22 Q So in '78.

23 Now, what was your role when you first  
09:34:46 24 started in -- at Varian Medical Systems of Palo Alto  
25 1978 here?

# **EXHIBIT 7**

Page 1

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA

--oo--

UNIVERSITY OF PITTSBURGH,

Plaintiff,

vs.

No. 2707-CV-00491-AJS

VARIAN MEDICAL SYSTEMS, INC.,

et al.,

Defendant.

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CONFIDENTIAL - ATTORNEYS' EYES ONLY

DEPOSITION OF RICHARD MORSE, Ph.D.

Tuesday, October 2, 2007

REPORTED BY:

YVONNE FENNELLY, CRP, CSR NO. 5495

Page 7

1 APPEARANCES (Continued) :

2

3 ALSO PRESENT: RAMON PERAZA, Videographer

4

5 TAKEN AT:

6 MORGAN, LEWIS & BOCKIUS, LLP

7 2 Palo Alto Square, Suite 700

8 3000 El Camino Real, California 94306

9 --oo--

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# **EXHIBIT 8**

Page 1

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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UNIVERSITY OF PITTSBURGH,

Plaintiff,

vs.

CASE NO. 07-CV-0791

VARIAN MEDICAL SYSTEMS,

Defendant.

HIGHLY CONFIDENTIAL ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF HASSAN MOSTAFAVI

FRIDAY, SEPTEMBER 21, 2007

REPORTED BY: ANDREA M. IGNACIO HOWARD, CSR, RPR

CSR LICENSE NO. 9830

Page 2

1 IN THE UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3 ---oo---  
4

5 UNIVERSITY OF PITTSBURGH,

6 Plaintiff,

7 vs. CASE NO. 07-CV-0791

8 VARIAN MEDICAL SYSTEMS,

9 Defendant.

10 \_\_\_\_\_ /

11

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13

14 VIDEOTAPED DEPOSITION OF HASSAN MOSTAFAVI  
15 taken on behalf of Plaintiff, MORGAN LEWIS &  
16 BOCKIUS, LLP, 2 Palo Alto Square, Suite 700,  
17 Palo Alto, California, beginning at 9:15 a.m., and  
18 ending at 3:11 p.m., on September 21, 2007, before  
19 me, ANDREA M. IGNACIO HOWARD, CSR, RPR,  
20 CSR License No. 9830

21

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Page 12

09:23:33 1 Q All right.

09:23:37 2 So about 1981 or so you went somewhere else?

09:23:38 3 A Yes.

09:23:42 4 Q Where did you go?

09:23:44 5 A Three other people from Systems Control and

09:23:51 6 myself started a company down in Los Gatos, and I was

09:23:55 7 there until end of '95.

09:24:00 8 Q And what was the name of that company?

09:24:01 9 A Tau Corporation.

09:24:02 10 Q Spell that for me?

09:24:03 11 A T-A-U, Corporation.

09:24:07 12 Q And what was the business of Tau Corporation?

09:24:10 13 A Web technology development for government

09:24:17 14 contracting, and also products in image processing and

09:24:24 15 navigation systems.

09:24:26 16 Q Okay. Now, 1995 you left Tau?

09:24:27 17 A Yeah.

09:24:29 18 Q And for whom did you go to work?

09:24:32 19 A Actually, I was at a company called

09:24:38 20 Systems -- I'm sorry -- Image Science Corporation, and

09:24:46 21 a -- consulting, in addition to that, called Imetric.

09:24:46 22 Q All right.

09:24:50 23 How long were you with Image Sciences?

09:24:51 24 A Two, two years.

25 Q '95 to '97?

Page 13

09:24:53 1 A That's right.  
09:24:54 2 Q All right.  
09:24:55 3 And then you consulted?  
09:25:02 4 A A part of my consulting was -- Imetric was  
09:25:04 5 the entity I used for consulting.  
09:25:04 6 Q All right.  
09:25:06 7 And how long did you consult?  
09:25:08 8 A For the two years.  
09:25:10 9 Q Okay. Then in '97, for whom were you  
09:25:12 10 employed?  
09:25:21 11 A I joined Varian in January '98.  
09:25:23 12 Q In what capacity?  
09:25:25 13 A As a senior scientist.  
09:25:29 14 Q And were you assigned to any particular  
09:25:34 15 project?  
09:25:41 16 A I was in the research lab and pretty much had  
09:25:44 17 to propose my own research projects, so --  
09:25:45 18 Q Okay.  
09:25:48 19 A -- so I wasn't assigned anything, but the --  
09:25:56 20 I worked on targeting. In general, target --  
09:26:02 21 image-based targeting of tumors for....  
09:26:02 22 Q All right.  
09:26:07 23 Now, when you arrived at Varian in January of  
09:26:16 24 1998, did Varian possess any technology that targeted  
25 tumors, if you know?

# **EXHIBIT 9**

Page 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

---oo---

UNIVERSITY OF PITTSBURGH, )  
Plaintiff, )  
vs. ) Case No.  
VARIAN MEDICAL SYSTEMS, INC., ) 2:07-CV-00491-AJS  
Defendant. )

DEPOSITION OF GEORGE ZDASIUK, Ph.D.

CONFIDENTIAL-ATTORNEYS' EYES ONLY

Thursday, October 4, 2007

REPORTED BY:

MARYANN H. VALENOTTI, RPR, CSR #11266

Page 2

1           IN THE UNITED STATES DISTRICT COURT  
2           FOR THE WESTERN DISTRICT OF PENNSYLVANIA

3                         --oo--

4   UNIVERSITY OF PITTSBURGH,                 )  
5    )  
6    )  
5    Plaintiff,                                      )  
6    )  
6    vs.    ) Case No.  
7    ) 2:07-CV-00491-AJS  
7   VARIAN MEDICAL SYSTEMS, INC., )  
8    )  
8    Defendant. )

9

10

11    Deposition of GEORGE ZDASIUK, Ph.D., taken  
12    on behalf of the Plaintiff, at Morgan,  
13    Lewis & Bockius, LLP, Two Palo Alto  
14    Square, Suite 700, 3000 El Camino Real,  
15    Palo Alto, California, beginning at 9:16  
16    a.m. and ending at 2:18 p.m., on Thursday,  
17    October 4, 2007, before Maryann Hope  
18    Valenoti, RPR, CSR #11266.

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Page 5

1 . . . . . P R O C E E D I N G S

09:11:10 2 THE VIDEOGRAPHER: The date is October 4,  
09:16:12 3 2007. The time is 9:16 a.m. This begins the  
09:16:16 4 videotaped deposition of Mr. George Zdasiuk. The  
09:16:20 5 location of this deposition is at the offices of  
09:16:23 6 Morgan, Lewis located at 2 Palo Alto Square, Suite  
09:16:27 7 700, 3000 El Camino Real, Palo Alto, California  
09:16:32 8 94306.

09:16:34 9 This deposition is in regards to  
09:16:36 10 University of Pittsburgh versus Varian Medical  
09:16:38 11 Systems, Inc., as filed in the United States  
09:16:40 12 District Court for the Western District of  
09:16:42 13 Pennsylvania. Case Number is 07-CV-00491. The  
09:16:50 14 videographer is Sean Grant of U.S. Legal Support.  
09:16:52 15 The court reporter is Maryann Valenoti also of U.S.  
09:16:55 16 Legal Support.

09:16:59 17 MR. JOHNSON: Daniel Johnson, Jr., on  
09:17:00 18 behalf of the University of Pittsburgh.

09:17:03 19 MR. POPPE: Matthew Poppe for Defendant  
09:17:05 20 Varian Medical Systems.

09:17:07 21 THE VIDEOGRAPHER: The court reporter may  
09:17:08 22 now swear in the witness.

09:17:09 23 GEORGE ZDASIUK, sworn.

09:17:09 24 EXAMINATION BY MR. JOHNSON

09:17:20 25 Q. Would you state your name for the record,

Page 8

09:19:28 1 Technology Officer, and Director of the Ginzton

09:19:31 2 Technology Center.

09:19:37 3 Q. Tell me your educational background.

09:19:39 4 A. I have an undergraduate degree in

09:19:41 5 engineering science from the University of Toronto.

09:19:44 6 I have a master's in physics from the University of

09:19:46 7 Toronto. I have a Ph.D in applied physics from

09:19:50 8 Stanford University.

09:19:52 9 Q. When did you get your undergraduate

09:19:54 10 degree, what year?

09:19:55 11 A. 1974.

09:19:59 12 Q. And then you have a master's from

09:20:02 13 University of Toronto as well?

09:20:04 14 A. That's correct.

09:20:05 15 Q. When did you get that?

09:20:06 16 A. I believe it was '75.

09:20:08 17 Q. When did you begin your Ph.D. course at

09:20:11 18 Stanford?

09:20:13 19 A. At the end of 1975.

09:20:18 20 Q. When did you obtain your Ph.D.?

09:20:21 21 A. I believe it was -- I completed the work

09:20:24 22 in late 1980, my defense, and the degree was

09:20:27 23 awarded I believe in the early 1981.

09:20:32 24 Q. Was there a particular area of emphasis

09:20:35 25 that you pursued for your Ph.D.?

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09:20:38 1 A. Yes.

09:20:39 2 Q. What was that?

09:20:40 3 A. Nonlinear optics and optical spectroscopy.

09:20:48 4 Q. After you obtained your Ph.D., for whom

09:20:51 5 were you employed?

09:20:52 6 A. Varian Associates at that time.

09:20:55 7 Q. In what capacity?

09:20:57 8 A. As a researcher.

09:21:00 9 Q. How long did you operate as a researcher?

09:21:08 10 A. I'm not sure I understand that question.

09:21:09 11 Q. You were a researcher, that position you

09:21:13 12 held as researcher, how long did you hold?

09:21:15 13 A. That position was Engineer A specifically,

09:21:16 14 and I held that for maybe a year or so.

09:21:21 15 Q. Then what was your next position?

09:21:23 16 A. Senior Engineer B.

09:21:29 17 Q. How long did you hold that position?

09:21:30 18 A. I don't remember exactly.

09:21:32 19 Q. Well, was it more than two years?

09:21:37 20 A. It may have been a year or two. I don't

09:21:39 21 know exactly.

09:21:40 22 Q. Okay. Then what was your next position?

09:21:42 23 A. I believe I was -- I don't remember the

09:21:50 24 exact title. I think it was Associate Lab Director

09:21:56 25 or something like that.